

Notice of Allowability

Application No.

10/706,596

Examiner

Frederick C. Nicolas

Applicant(s)

DANBY ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/12/2003.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 12 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/5/2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-6 are allowed.
2. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a flow control for use with flexible bags to push fluent material from the bags by deformation of the bags in combination with the other claimed limitations of claim 1:

"the first and second platens being adapted to receive portions of at least one of the flexible bags therebetween, and the first and third platens being adapted to receive portions of at least one of the flexible bags therebetween, the first, second and third platens being mounted for movement relative to each other, the first platen being movable between a first position in which the first and second platens and the first and third platens each define a first space for containing said bag portions and a second position in which the first and second platens and the first and third platens each define a second space for containing said bag portions, said second space being smaller than said first space".

The prior art fails to disclose or render obvious a flow control for use with flexible bags to push fluent material from the bags by deformation of the bags in combination with the other claimed limitations of claim 2:

"the first platen comprising multiple first platen elements each being mounted for movement relative to the other first platen elements and relative to the second platen

between said first and second positions, the second platen and each of the first platen elements being adapted to receive a respective one of said bag portions”.

Further, the prior art fails to disclose or render obvious a flow control for use with flexible bags to push fluent material from the bags by deformation of the bags in combination with the other claimed limitations of claim 3:

“the first and second platens each have grooves therein for receiving said bag portions, the grooves of the first and second platens being arranged in pairs generally in registration in the first position of the first and second platens and at least partially out of registration in the second position, the volume of the grooves of at least one groove pair being different than the volume of the grooves of at least one of the other groove pairs for dispensing a different quantity of the fluent material”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mullen et al. 4,804,118, Bryant et al. 5,438,150 and Gordon 4,228,926 disclose other types of flow control mechanism.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-

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305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN

July 8, 2004

Fin 7/8/04


Gene Mancene
Supervisory Patent Examiner
Group 3700